

APPROVED: Meeting No. 34-89

ATTEST:



MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 33-89

July 10, 1989

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on July 10, 1989, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Steve Abrams

Councilmember James Coyle

Councilmember David Robbins (arrived at 7:40 p.m.)

ABSENT

Councilmember Viola Hovsepian

The Mayor in the Chair.

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Last week, Josephine Roberts was appointed Director of Community Services. She has been with the City for 11 years, is thoroughly familiar with Rockville and brings the right combination of education and experience to the position.

2. This past Saturday marked the kick-off of the Farmers Market. At 9:00 a.m., there was a ribbon-cutting ceremony attended by the Mayor and Councilmembers. Hundreds of people passed through, and before noon the vendors were sold out. The market hours are Wednesdays from 11:00 a.m. to 2:00 p.m. and 4:00 p.m. to 6:00 p.m. and on Saturdays from 9:00 a.m. to 1:00 p.m.

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3. The summer banner program is underway, with installation starting today in Courthouse Square.

4. A news release was prepared today regarding a letter received from County Executive Sidney Kramer expressing agreement with the four conditions stipulated by the Mayor and Council for the expansion of the Montgomery County Detention Center.

Councilmember Coyle asked when they will be announcing the location of the new Detention Center site, and Mr. Romer responded in the fall.

Re: Appointments

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, John Evans was appointed to another one-year term as Chairperson of the Science and Technology Commission.

Re: FYI/Correspondence

Councilmember Abrams inquired as to a revised date for completion of the intersection of Falls Road and Ritchie Parkway. Mr. Romer responded that July 14 is the date; however, in view of a dispute which has developed between the State Highway Administration and its contractor, this date is tentative.

Regarding a lane change on I-270 south to be effective on July 11, Councilmember Abrams requested that the City keep abreast of these issues which impact City commuters and alert the public through Rockville Reports and cable television.

With respect to the Maryland Avenue improvements, Councilmember Coyle requested information regarding the sidewalk which is to be constructed on Falls Road. The City Manager responded that staff had looked into this some time back and that a status report will be provided to the Mayor and Council.

Mayor Duncan referred to a concern expressed by John Moser, Chairman of the Cultural Arts Commission, regarding the handicapped seating and handicapped access to the stage projects at the F. Scott Fitzgerald Theater. It was clarified that the

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Cultural Arts Commission is conducting a six-month study regarding handicapped seating, and that the City will proceed with contracting to provide accessibility to the stage for the handicapped.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Joseph Lynott, as attorney for Peter and Mayda Tzakins in their application to rezone to O-2 the property at 14 Beall Avenue, expressed his concern with Item 6G on the agenda. He noted that the application was scheduled for public hearing on July 17, and that he hoped the Mayor and Council would keep the communication lines open in considering the adoption of the "West End-Woodley Gardens East\West Neighborhood Plan."

It was noted that the West End Neighborhood Plan would be discussed at the worksession with the Planning Commission on July 19.

2. Anne Hedian, President of East Rockville Citizens Association, noted her concern with Agenda Items 6A and 6B, in particular storm water management in the Rock Creek drainage area. She stated that the Maryvale II facility would require excavation and relocation of a softball field. Mayor Duncan asked the City Manager for a staff response.

Discussion ensued as to examination of alternative sites which would not impact recreational areas. Councilmember Abrams noted that approval of waiver for on-site storm water management does not preclude them from looking at other options and that the fee structure is not site-specific.

Mrs. Hedian asked for a breakdown as to the formulation of the fee (contribution), and staff will be providing her with this information. Additionally, it was noted by staff that much of this process is regulated by state statute.

There being no other citizen wishing to be heard, the Mayor closed the

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Citizens' Forum portion of the meeting.

Re: Consent Agenda

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the following Consent Agenda items (C, E, F, H, I and J) were approved:

C. Award of Bid 3-90 to the low bidder, Nazario Construction Co., in the amount of \$817,496.00. The bid covers the following: Concrete Maintenance, Utility Street Repairs, Drive Apron Program, Roadway Spot Improvements, Baltimore Road Widening, Maryland Avenue Traffic Control and North Street Storm Drainage.

E. Status report on C.M. Whalen Courthouse Square development and approval of request for extension of time to obtain financing.

This report includes a request for an extension of time for an interim deadline but does not affect the scheduled commencement of construction on October 1, 1989.

F. Rejection of Bid #2-90, Printing of Rockville Newsletter.

Only one bid was received, and it was nearly \$20,000 over the FY1990 budget. The current printer will continue to produce Rockville Reports at FY1989 rates while the project is re-bid.

H. Preliminary Review - Text Amendment Application T-96-89, Rockville Planning Commission, Applicant.

Amendments to the definitions, tables of uses, and special exception requirements to permit housing for the elderly and physically handicapped persons in the O-1 and O-2 Zones.

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I. Introduction of Ordinance to amend Chapter 11, Section 11-1.01A of the "Laws of Rockville," so as to amend the provisions for parking permit areas to allow minor modifications to be made to existing permit parking areas without holding a public hearing.

J. Introduction of resolution to modify the Admissions and Amusement Tax.

This resolution provides for a reduction in the admissions and amusement tax for miniature golf from the current ten percent to seven percent.

Re: Approval of waiver for on-site Storm Water Management for the property at 23 Martins Lane (Bickford, Parcel 29) in the Rock Creek drainage areas, and acceptance of a \$4,000 contribution for the off-site SWM fund.

The developer, Jim Farrell, plans the construction of one single family house.

Re: Approval of waiver for on-site Storm Water Management for the property at E. Middle Lane and North Washington Street and acceptance of a \$133,400 contribution for the off-site SWM fund.

The developer, Investment Properties, Inc., plans the construction of a multi-use project with residential and office buildings, underground parking and above ground courtyard.

Councilmember Robbins noted that he preferred to receive a staff report on the implications of these storm water management projects prior to approval. Councilmember Abrams expressed concern that a delay of approval may impede development

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of the Whalen project. He stated that regardless of the location selected, the amount of contribution will not change, that approval of the waiver is more ministerial in nature and that they could review with staff the locations, particularly where they have an impact on recreational facilities.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, waivers for on-site Storm Water Management for the property at 23 Martins Lane and the property at E. Middle Lane and North Washington Street were approved with acceptance of contributions in the amounts of \$4,000 and \$133,400, respectively.

Re: Award of Contract #98-89 in the amount of \$50,000 to Laventhol and Horwath, Telecommunication Consulting Services, for services related to the design and installation of a new telephone system for City government.

The City is seeking to replace its telephone system in FY 1990. The consultant will conduct a needs analysis, prepare a Request for Proposals, evaluate vendor proposals, assist with vendor contract negotiations, and monitor the installation of the new system.

Councilmember Robbins questioned whether the study was intended to be city-wide, including all facilities of the City government outside of City Hall. The City Manager responded that the scope of the study is broad and will include all City government facilities. He also noted that the study will not be limited to hardware.

Upon motion of Councilmember Robbins, duly seconded, with Mayor Duncan abstaining, Contract #98-89 in the amount of \$50,000 was awarded to Laventhol and Horwath for services related to the design and installation of a new telephone system for City government.

Re: Introduction of Ordinance to Adopt the "West End-Woodley Gardens East\West Neighborhood Plan as an amendment to the adopted Master Plan for Rockville.

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This is a comprehensive neighborhood plan developed and approved by the Planning Commission for the Planning Area 4 neighborhood study area.

Councilmember Abrams asked the City Attorney when it would be appropriate to enter an amendment to this ordinance and was advised that it could be done now or later. Mayor Duncan noted that there would be a worksession with the Planning Commission on July 19 to discuss this matter and at least one worksession thereafter.

Re: Adoption of resolution to amend Section 5 of Article VIII of the Charter of the City of Rockville so as to provide that the position of assistant city manager shall be included in the list of positions that the Council may in the non-merit system by ordinance and to remove the positions of 1) assistant to the city manager; 2) deputy police chief; 3) members of the information systems division; 4) senior budget analyst; 5) golf course superintendent; 6) assistant golf course superintendent; 7) administrative assistant to the director of recreation and parks; 8) assistant director of finance; 9) landscape architect; 10) aquatic facilities manager (evening and weekend); and 11) public information officer, from the list of positions that the Council may include in the non-merit system by ordinance, and further to provide that any new positions authorized and approved by Mayor and Council may be placed in the non-merit system.

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Resolution No. 18-89

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, Resolution No. 18-89, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to amend Section 5 of Article VIII of the Charter of the City of Rockville so as to delete certain enumerated positions from the list of positions that the Council may include in the non-merit system by ordinance and further to provide that the position of assistant city manager and any new position authorized and approved by the Mayor and Council may be placed in the non-merit system.

Re: New Business

Councilmember Coyle stated that cable is being installed in his neighborhood and that citizens are complaining that they are not being contacted beforehand regarding placement of the lines running to the houses, as promised, and that some individuals have expressed concern that it is out of service. Staff will follow-up on this issue.

Councilmember Abrams inquired as to the status of filling the vacancy on the Planning Commission. Mayor Duncan noted that the vacancy has been advertised in Rockville Reports and that he hopes to have an appointment by the next General Session meeting.

The City Attorney was requested by Councilmember Abrams to provide the Mayor and Council with an opinion as to whether or not Commissioner Harrison was in compliance with the City's Ethics Ordinance in connection with votes cast relative to property located at 14 and 16 Beall Avenue. Councilmember Abrams noted that he was making this request in light of recent newspaper accounts regarding Commissioner Harrison's change in vote in relation to his change in residence and also because of calls received from individuals who have attended the last few meetings of the Planning Commission. Mayor Duncan noted that the City Attorney had already reviewed this matter. Mr. Glasgow stated that he had advised Mr. Harrison that from a legal standpoint he found no violation of



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the City's Ethics Law. It was agreed that Mr. Glasgow would submit to the Mayor and Council a written opinion regarding this matter.

Mayor Duncan noted that one fact reported in the newspaper story was incorrect, i.e., that the Planning Commission does not deny or approve rezoning. The Mayor and Council make the rezoning decisions and the Planning Commission's role is to make recommendations.

Mayor Duncan commented on the excellent brochure for the Farmers Market which was done in-house. He also noted the commendation of Bob Plumb and Chris Heckhaus of the Recreation Department by Rita Mulholland of Rock Terrace High School and appreciation expressed by the College Gardens Elementary School staff for the assistance of Don Vandrey and Fred Lewis in connection with "Gerald P. Frick Day."

Proclamation No. 17-89

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Proclamation No. 17-89, the full text of which can be found in Proclamation File No. 4 of the Mayor and Council, was approved to recognize July 12, 1989 as the 125th anniversary of the Battle of Fort Stevens.

Re: Executive session

The Mayor and Council convened in executive session at 8:25 p.m. to discuss land acquisition and personnel matters.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:10 p.m., to convene again in Public Hearing at 7:30 p.m. on July 17, 1989, or at the call of the Mayor.